

ENTERED

February 15, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA

§

VS.

§ CRIMINAL NO. 7:16-CR-1612-5

RENE HERNANDEZ

§

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of defendant Rene Hernandez pending trial in this case:

- (1) There is a serious risk that the defendant will not appear; and

(2) There is a serious risk that the defendant will endanger the safety of another person or the community.

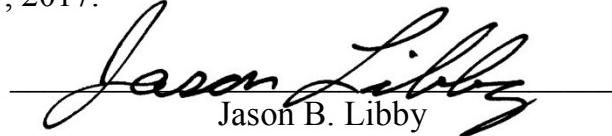
The defendant is charged in three counts (counts 8, 9, and 10) with aiding and abetting and making false statements to a federally licensed firearms dealer in connection with the acquisition of firearms in violation of 18 U.S.C. § 922(a)(6). The alleged offense involves the unlawful acquisition of assault rifles in the United States and those firearms subsequently being smuggled to Mexico. The evidence against the defendant meets the probable cause standard and the weight of the evidence is strong.

The evidence presented at the detention hearing indicates the defendant was uncooperative with federal agents during the early stages of the investigation. Additionally, after the defendant was indicted, while agents were attempting to locate the

defendant, the defendant's mother falsely stated to the agents she had not seen the defendant in months. The defendant's mother also claimed not to know of the defendant's whereabouts, although the defendant was later found to be living with a family member in Corpus Christi, Texas. The defendant was aware he was being investigated and thereafter moved from the McAllen area to Corpus Christi, although he did not update his new address on his Texas driver's license. While not conclusive, this evidence is some indication the defendant was taking efforts to avoid being apprehended and that his family was facilitating these efforts. Further, the defendant is currently being investigated for a series of alleged indecent exposures in Corpus Christi. The defendant is a poor candidate for bond. The findings and conclusions contained in the Pretrial Services Report are adopted.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 15th day of February, 2017.



Jason B. Libby
United States Magistrate Judge